

The Examiner is also respectfully requested to return a copy of the Forms PTO/SB/08A and PTO/SB/08B filed on March 1, 2002 and to indicate thereon that the cited publications were considered and made of record.

Restriction was required under 35 USC 121 as follows:

Group I. Claims 1-4, 14-17 and 30, drawn to a cyclic antibiotic;

Group II. Claims 5-12 and 31-32, drawn to a process of making a cyclic antibiotic by culturing a strain of *Phoma*;

Group III. Claim 13, drawn to a strain of *Phoma*; and

Group IV. Claims 18-29, drawn to a process of preventing or treating fungal disease with a specific cyclic antibiotic.

Applicants elect Group I (claims 1-4, 14-17 and 30).

The Restriction Requirement is traversed for the following reasons.

Groups II and III were classified in the same class (class 435) by the Examiner. It is therefore respectfully submitted that such Groups should be combined into a single Group.

With respect to the relationship between Groups I and IV, applicants have informed the undersigned that contrary to the allegation in the Office Action, it is considered that the claimed product of Group I cannot be used as insecticide.

With regard to the relationship between Groups I and II, applicants have informed the undersigned that contrary to the allegation in the Office Action, the claimed product of Group I can hardly be obtained by traditional organic synthesis or cyclization of the linear precursor molecule.

Reconsideration of the Restriction Requirement is therefore respectfully requested.

An INFORMATION DISCLOSURE STATEMENT is being filed concomitantly herewith.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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